

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY BRADY,

Plaintiff,

v.

CASE NO. 10-10375

Hon. Lawrence P. Zatkoff

GREG SCOTTEK, RN, DANIEL DUCATT,
JOHN DOE and DARLENE LNU,

Defendants,

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, a federal prisoner proceeding *pro se*, filed this case pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to his serious medical needs, in violation of the Eighth Amendment. This matter is currently before the Court on Magistrate Judge Virginia Morgan's Report and Recommendation (Docket #22), wherein the Magistrate Judge recommends that: (1) Defendants' Motion to Revoke *In Forma Pauperis* Status (Docket #12) be granted; (2) Plaintiff's Motions for Default Judgment (Docket #s 15 and 16) be denied, and (3) Plaintiff's case be dismissed without prejudice unless Plaintiff pays the full filing fee of \$350.00 within 30 days from the date the Court adopts the Report and Recommendation. Plaintiff timely filed an "objection" to the Report and Recommendation, though the only "objection" made by Plaintiff was to request an extension of time to pay the \$350.00 filing fee before the Court dismisses the case.

After a thorough review of the court file (including the parties' motions and briefs), the Report and Recommendation, and Plaintiff's objection to the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court. The Court will, however, briefly addresses Plaintiff's request for extension of time within which to pay his filing fee.

Plaintiff states that he is an indigent prisoner, and as such, asks that the Court not dismiss his case until one year after Plaintiff is released from prison. Plaintiff does not, however, specify

when he will be released from prison. The Court does not maintain cases on its docket for indefinite or lengthy periods of time simply out of convenience to parties. In addition, although the Court will dismiss Plaintiff's case if he fails to pay the full amount of the filing fee within 30 days from today, such dismissal will be without prejudice (*i.e.*, not on the merits). Accordingly, Plaintiff will be able to re-file his case and pursue his claim(s), so long as he re-files the case in a timely manner and pays the entire filing fee at the time of filing. For these reasons, the Court is not persuaded to allow Plaintiff more than 30 days from the date of this Opinion and Order to pay the entire \$350.00 filing fee for his case.

Therefore, for the reasons stated above, the Court hereby ORDERS that:

1. Defendants' Motion to Revoke *In Forma Pauperis* Status (Docket #12) is GRANTED; and
2. Plaintiff's Motions for Default Judgment (Docket #s 15 and 16) are DENIED.

IT IS FURTHER ORDERED that Plaintiff's cause of action shall be dismissed, without prejudice, unless, within 30 days of the date of this Opinion and Order, Plaintiff pays to the Clerk of the Court the full amount of the \$350.00 filing fee.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: January 28, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 28, 2011.

S/Marie E. Verlinde
Case Manager
(810) 984-3290